

UNITED STATES DISTRICT COURT

for the
Middle District of Pennsylvania

Andrew Patrick Brennan

Plaintiff

v.

Monroe County Correctional Facility, et al.

Defendant

Civil Action No. 3:24-cv-00966-JFS

WAIVER OF THE SERVICE OF SUMMONS

To: Jerry A. Lindheim, Esquire

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 06/14/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 06/24/2024/s/ John R. Ninosky*Signature of the attorney or unrepresented party*PrimeCare Medical, Inc.*Printed name of party waiving service of summons*John R. Ninosky*Printed name*
Marshall Dennehey, P.C.
200 Corporate Center Drive, Suite 300
Camp Hill, PA 17011
*Address*jrninosky@mdwccg.com*E-mail address*(717) 651-3709*Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24th day of June, 2024, the foregoing *Waiver of Service of Summons* was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record, which service satisfies the requirements of the Federal Rules of Civil Procedure.

Jerry A. Lindheim, Esquire
Michael T. van der Veen
van de Deen, Hartshorn, Levin & Lindheim
1219 Spruce Street
Philadelphia, PA 19107
jlindheim@mtvlaw.com
mtv@mtvlaw.com
Attorneys for Plaintiff

MARSHALL DENNEHEY, P.C.

By: 
John R. Ninosky